



**Children's Court
Victoria**

PRACTICE DIRECTION

No. 3 of 2021

1. This Practice Direction is issued pursuant to Section 592 of the *Children, Youth and Families Act 2005*.
2. All persons who attend court buildings in any circumstance must:
 - a) register their attendance using the Service Victoria QR application or provide their contact details in writing;
 - b) follow Chief Health officer directions; and
 - c) follow any direction under the *Court Security Act 1980*.
3. There will be strict compliance with the Chief Health Officer guidelines: health and safety are the overarching listing considerations.
4. Where appropriate, the Online Children's Court (OCC) will continue to be used for the hearing of cases.

APPLICATION AND COMMENCEMENT

5. This Practice Direction applies to all matters heard by the Children's Court of Victoria (the Court) pursuant to the:
 - a) *Family Violence Protection Act 2008 (Vic)*; and
 - b) *Personal Safety Intervention Orders Act 2010 (Vic)*with effect from **7th June 2021**.
6. Practice Direction 8 of 2020 is revoked.

DIRECTIONS

LISTING ARRANGEMENTS:

7. **Applicants in need of immediate protection should call 000.**
8. Applicants who wish to apply for an intervention order should complete the relevant application form on the [Children's Court website](#).
9. Applicants who cannot complete and file an application form online¹ may attend their Court and will be assisted by a court staff member².
10. Applicants, who are not sure where the nearest Children's Court is or do not feel safe going to that venue because, for example, is it is near their home or school, are to contact the Children's Court at Melbourne on 8638 3300 or email ivochildrenscourt@courts.vic.gov.au and a court staff member will assist.
11. Intervention order applications listed for hearing with a related proceeding³ will be heard together, unless otherwise directed by the Court.
12. Where an applicant, protected person or respondent seek legal advice, they must as soon as possible and prior to any hearing date contact Victoria Legal Aid on:
 - a) 9269 0407 for children and young people; or
 - b) 1300 792 387 for adults.
13. To list an application in the OCC, contact should be made at first instance with the Registry at which the matter is listed (see [local court registry](#)) by email **not later than 3 clear working days** prior to the current listing date for the purpose of obtaining a hearing date and time via the OCC.
14. The Court will confirm with the legal practitioner whether the application will proceed via the OCC and if so, the hearing time. It is preferable that the legal practitioner and their client be at the one location for the online hearing.

HEARING ARRANGEMENTS:

15. Unless otherwise directed by the Court, applications for urgent interim intervention orders will be heard in the OCC or on the papers where supported by affidavit.

¹ For the purposes of this Practice Direction an online application refers to an application for a Family Violence Intervention Order or Personal Safety Intervention Order that has been filed with the Court via email

² For example, applicants who do not have access to a computer or telephone; have a language barrier or disability; for whom it is unsafe to complete and file an application via email.

³ Sections 147 & 147A of the *Family Violence Protection Act 2008*, s 104 & 104A of the *Personal Safety Intervention Orders Act 2010*. For the purposes of this Practice Direction a related proceeding may also include a criminal proceeding where the accused is a party to the intervention order application.

16. Where an application is made by Victoria Police or the Department of Families Fairness and Housing the affected family member(s)/person(s) listed may physically attend court but are not required to do so provided they are able to participate in an online hearing if required via the OCC or by telephone.

17. Applicants, other than those referred to in paragraph 16, and respondents(s)⁴ in any application, must physically attend court unless:

- a) they are legally represented, and their legal practitioner has arranged for the matter to be listed in the OCC; or
- b) the Court has otherwise directed.

If the applicant and or respondent physically attends court their legal practitioner must also attend.



Judge Jack Vandersteen
President
Children's Court of Victoria

14 May 2021

⁴ A respondent is not required to physically attend the Court in circumstances where the application is listed alongside a related proceeding as defined in paragraph 11 of this Practice Direction *and* that related proceeding is listed for hearing in the OCC